

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 76782

M/P Baltimore Properties #8 LLC  
Michael W Preston R/A  
1206 Brook Meadow Drive  
Towson MD 21286

1325 Taylor Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 25, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-402, 403, 401 section 13-4-201; 35-2-404 (A)(1)(vii), failure to cut grass in the front, failure to repair gutters/downspouts, failure to repair fence and basement steps, failure to remove debris in the rear, damaged trashcans, etc. on residential property zoned DR 10.5 known as 1325 Taylor Avenue, 21234.

On May 11, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ed Creed issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,500.00 (one thousand five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Citation was issued on April 29, 2010 for failure to maintain rental property, gutters, grass. This Citation was issued on May 11, 2010. The first Citation is sufficient notice to constitute a Correction Notice for property repair issues. This Citation for failure to remove debris was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205.

B. Photographs in the file show garbage cans full of trash and garbage with no lids. Photographs also show junk and debris on the property including two grocery store shopping carts. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Photographs in the file show a wood picket fence at the rear of the property, with multiple pickets missing and with severely peeling paint. The fence is necessary to keep persons from falling into the basement stairs, and must be repaired and painted. Photographs in the file show a broken rain gutter that is not attached to its downspout.

D. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition" and including keeping all exterior surface materials maintained weatherproof and properly surface-coated to prevent deterioration. BCC Section 35-5-302; BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondents have failed to maintain this property and have permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,500.00 (one thousand five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if the violations are corrected by July 6, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 3<sup>rd</sup> day of June 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer